

REMARKS/ARGUMENTS

In this application, claims 1–3, 5, 6, 8–16, 18, 19, 21–26, 32, 33, and 39–46 are pending. In this response, the Applicant has amended claims 1, 14, 32, and 33. Claims 13 and 26 are withdrawn. Claims 39–46 are newly presented, to particularly point out certain novel features of the present invention. The Applicant respectfully submits that the aforementioned changes do not add new matter, and that the amended and new claims are supported by the previously filed specification.

Drawings

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. 1.83(a) because the common edge having a rounded profile, as claimed in claims 11, 12, 24, and 25, must be shown or the feature canceled from the claims. The Applicant has amended Figures 8, 9, and 10 to show the rounded profile feature and identify the feature at reference character 81. Figure 9 has further been amended to show the radius of the rounded profile feature, identified at reference character 83. These amendments to Figures 8, 9, and 10 are consistent with the last paragraph on page 11, beginning at line 28, of the specification, which has been amended to include identification of the reference characters 81 and 83.

Specification

As mentioned above, the specification has been amended at the last paragraph on page 11, beginning at line 28, to include reference characters 81 and 83 identifying the rounded profile and radius, respectively, as claimed in claims 11, 12, 24, and 25.

Restriction/Election

The Examiner stated that previously elected claims 13 and 26 appear to be directed to non-elected subgroups 7–10 (Figures 17–26). Applicant confirms that claims 13 and 26 have been withdrawn.

Claim Rejections Under 35 U.S.C. §112

The Examiner has rejected claims 1–3, 5, 6, 8–12, 14–16, 18, 19, 21–25, 32, and 33, under 35 U.S.C. §112, second paragraph. Reconsideration thereof is requested in light of the following.

The apparent definition of the invention in claims 1 and 14 relative to a variable (a person) has been corrected by using appropriate “adapted for” language in the claims, as suggested by the Examiner. Part (b) in both of claims 1 and 14 (as amended) recite a second support surface “... adapted to extend from just forward of the person’s sit bones to just behind the person’s knees.” Applicant submits that this language in claims 1 and 14, as amended, complies with 35 U.S.C. 112.

The Examiner also stated that claim 14, having the language “above a floor on which the chair is resting,” appeared to positively claim a floor. This has been corrected in amended claim 14, which recites that the chair is “adapted to support the first support surface of the seat above a floor... .” Applicant submits that claim 14 (as amended) does not positively claim a floor, and is now in compliance with 35 U.S.C. 112.

Rejection Under 35 U.S.C. §102

The Examiner has rejected claims 1–3, 5, 6, 8–12, and 32 pursuant to 35 U.S.C. §102(b) as anticipated by Tholkes (U. S. Patent, No. 5,054,852). The Examiner stated that a person could sit in a particular location on the seat of Tholkes so that the person’s buttocks are on the first surface, the thighs contacting the second (chamfered) surface, and the feet either unsupported or on the floor below.

As argued previously, Applicant respectfully submits that the front-to-back extent of the chamfered surface of Tholkes is too short to provide independent support for the thighs. While a person could perhaps be seated with an uppermost portion of the

person's thighs contacting the chamfered surface, as suggested by the Examiner, Applicant submits that such contact does not provide independent support of thighs as taught in the present invention. The Examiner appears to have acknowledged this distinction, but stated that this argument appeared more limiting than the actual claim language, as "independent" support had not been set forth in the claims. Applicant has amended claim 1 to address this apparent deficiency. The preamble in claim 1 (as amended) sets out that the seat is adapted to provide independent support to the sit bones and thighs. This limitation is also positively recited in the body of the claim. Part (a) recites a first surface "... to provide independent support for the sit bones;" and part (b) recites a second surface "... to provide independent support for the thighs." In view of this amendment, Applicant submits that claim 1 (as amended) claims a seat having a structure that provides independent support of the thighs, and that such a seat is different from, and unanticipated by, the seat disclosed in Tholkes.

The Examiner also rejected claims 14–16, 18, 19, 21–25, and 33 under 35 U.S.C. 102(b) as being anticipated by Tholkes. Applicant submits that claim 14 (as amended) is directed to a chair having a seat that includes a second surface adapted to provide independent support to a person's thighs. Applicant respectfully submits that the chair claimed in claim 14 (as amended) is not anticipated by Tholkes for the same reasons as discussed with respect to claim 1 (above).

Furthermore, Applicant submits that claim 14 (as amended) is patentable over Tholkes for the additional reason that claim 14 (as amended) includes a limitation that the chair is adapted to support the first support surface of the seat above a floor at a height sufficient to allow the person's feet to rest squarely on the floor when the person is seated on the seat. This limitation regarding the height of the seat, combined with the limitation pertaining to the second support surface for independently supporting the thighs, is certainly not disclosed in, nor anticipated by, Tholkes. The nearest case for anticipation would occur upon placing a very small child in the chair of Tholkes, such that the horizontal portion of the seat supports the child's sit bones, and the chamfered edge contacts the child's thighs. While applicant submits that such contact in no way constitutes the thigh support taught in the present invention, applicant acknowledges that the smaller the child, the more closely such "contact" could be interpreted as

providing some measure of support. But in the case of a child of minimal stature, it is clear that Tholkes does not at all provide a seat adapted to have the child's feet rest squarely against the floor to bear some of the weight of the child. On the other hand, while a larger occupant in the seat of Tholkes may have his or her feet rest squarely on the ground, it is clear that an occupant of such size would be unlikely to have their thighs even *contact* (let alone be *supported by*) the chamfered edge. In view of these reasons, Applicant submits that claim 14 (as amended) is not anticipated by Tholkes, and favorable reconsideration of claim 14 is respectfully requested.

With respect to claims 2, 3, 5, 6, 8–12, and 32, Applicant submits that these claims each depend, either directly or indirectly, from claim 1, and are allowable in that they depend from a base claim which is allowable (as argued above). Furthermore, Applicant submits that claims 11 and 12 claim a seat having a rounded profile along an edge between first and second support surfaces of the seat. The nature of this profile has been clarified in revision to Figures 8 and 9, in which the rounded profile is identified at reference character 81. Applicant submits that this rounded profile feature is not disclosed in Tholkes, and that claims 11 and 12 are allowable over Tholkes for this additional reason.

Furthermore, with respect to claim 32, Applicant submits that claim 32 (as amended) claims a seat having first and second support surfaces that have approximately equal front-to-back extents. This feature can be seen in Figures 7–10 in the application. In Tholkes, the front-to-back extent of the chamfered surface is substantially less than the front-to-back extent of the horizontal surface. Accordingly, Applicant respectfully submits that claim 32 claims subject matter that is not disclosed in Tholkes, and that claim 32 (as amended) is allowable over Tholkes for this additional reason.

With respect to claims 15, 16, 18, 19, 21–25, and 33, Applicant submits that these claims each depend, either directly or indirectly, from claim 14, and are allowable in that they depend from a base claim which is allowable (as argued above). Furthermore, Applicant submits that claims 24 and 25 claim a seat having a rounded profile along an edge between first and second support surfaces of the seat. The nature of this profile has been clarified in revision to Figures 8 and 9, in which the rounded

profile is identified at reference character 81. Applicant submits that this rounded profile feature is not disclosed in Tholkes, and that claims 24 and 25 are allowable over Tholkes for this additional reason.

Furthermore, with respect to claim 33, Applicant submits that claim 33 (as amended) claims a seat having first and second support surfaces that have approximately equal front-to-back extents. This feature can be seen in Figures 7-10 in the application. In Tholkes, the front-to-back extent of the chamfered surface is substantially less than the front-to-back extent of the horizontal surface. Accordingly, Applicant respectfully submits that claim 33 claims subject matter that is not disclosed in Tholkes, and that claim 33 (as amended) is allowable over Tholkes for this additional reason.

New Claims

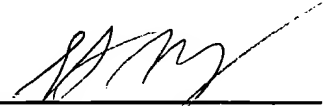
The Applicant has added new claims 39-45, particularly pointing out certain features of the present invention. In particular, new independent claim 39 is derived from existing claim 14, but positively reciting the frame of the chair. Applicant submits that claim 39 and claims 40 to 45 that depend therefrom are allowable.

Applicant submits that in view of all of the above, the present application now complies with the requirements of the Patent Act. Timely issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

BERESKIN & PARR

By



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Attachments

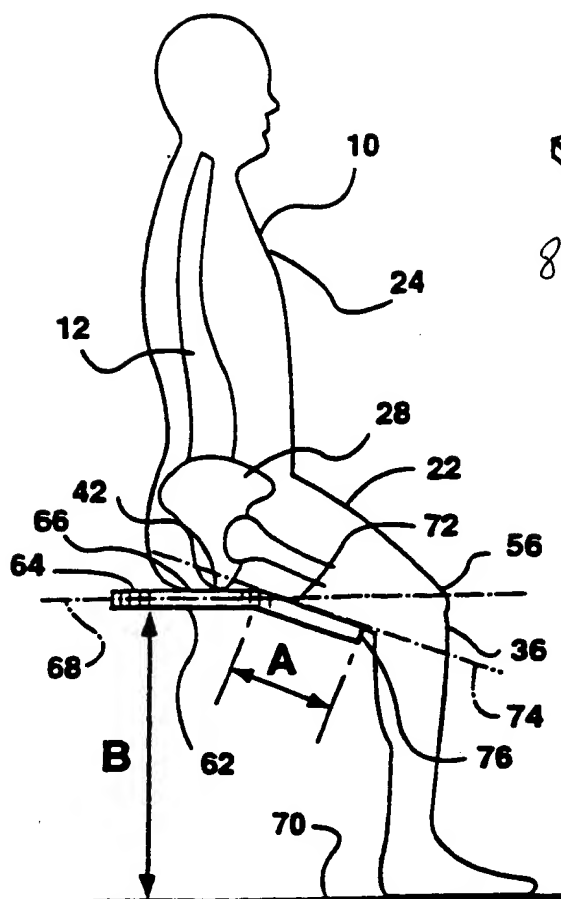


FIG. 7

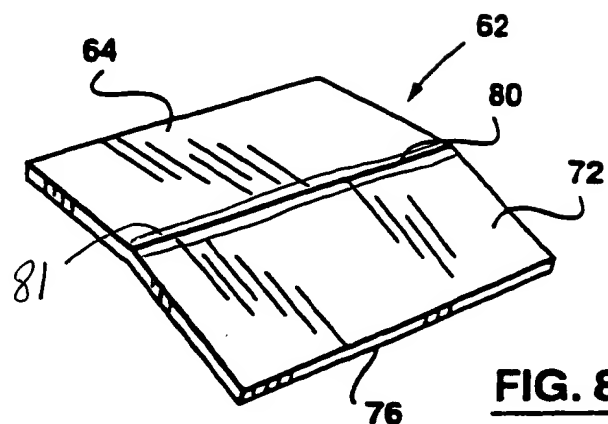


FIG. 8

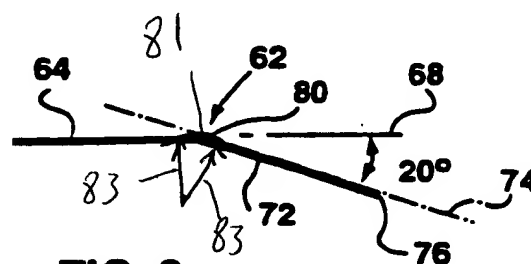


FIG. 9

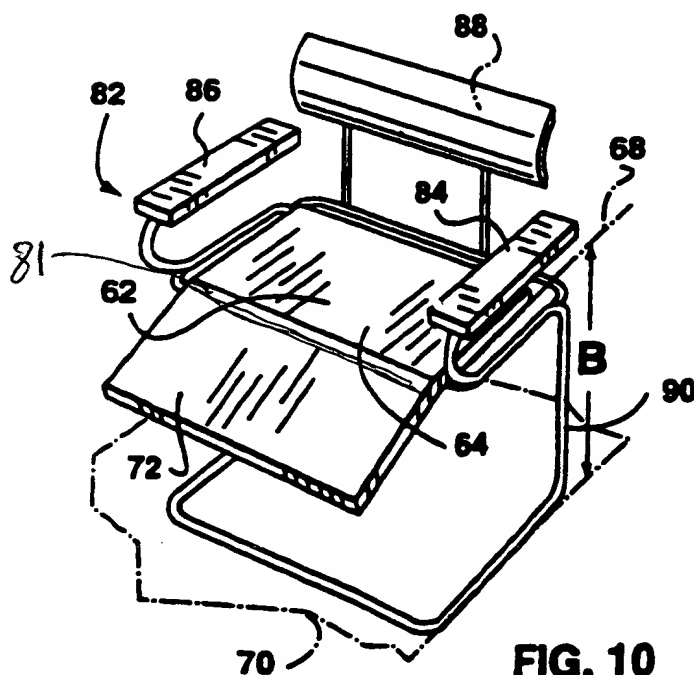


FIG. 10

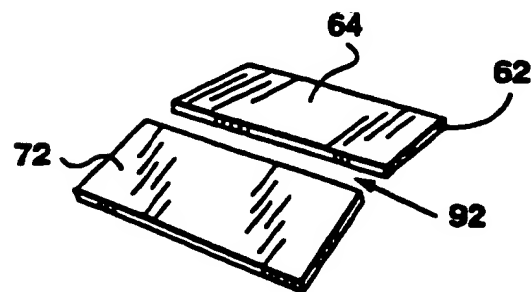


FIG. 11

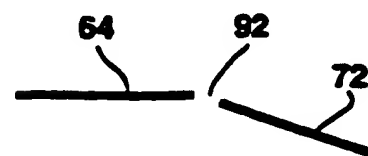


FIG. 12